

### **REMARKS**

Claim 1 has been amended to remove the specific delineation of the amino acid sequences of the CDRs.

Claim 2 has been amended to improve its form and to more particularly point out what Applicants intend to pursue in this application.

The claim amendments are fully supported by the specification and original claims. Support for the amendments made herein can be found in the original claims and the specification at, e.g.: page 5, line 25 to page 6, line 2; page 6, line 17 to page 7, line 3; page 7, line 26; and page 12, lines 26 to 28. Support for the claims can also be found in Figs. 4a and 4b of the application as filed, which figures set forth, *inter alia*, the amino acid sequences for the light chain variable region and heavy chain variable region of the monoclonal anti-DC-SIGN antibody 1G4.

Applicants' amendments to the claims are not in acquiescence to any of the Examiner's rejections. Applicants reserve the right to further prosecute the same or similar claims in the instant application or in one or more subsequent patent applications claiming priority to the instant application.

Upon entry of the amendments, claims 1-4, 7-9, 13, 19-20, 31-32 and 48-52 will be pending. No new matter has been introduced. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the outstanding Office Action.

### **DETAILED ACTION**

#### **Claim Rejections – 35 U.S.C. 112, First Paragraph, Written Description**

Claims 1-4, 7-9, 13, 19-20, 31-32, 48 and 50-52 are rejected under 35 U.S.C. 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges

that Applicants introduced new matter into the claims and that the specification and the claims as originally filed do not provide support for an antibody defined by the CDRs of SEQ ID NOs:10 and 45 (light chain) and SEQ ID NOs:18 and 49 (heavy chain).

Applicants disagree. As Applicants argued in the Office Action response of April 22, 2010 and the Pre-Appeal Brief of June 17, 2010, at the time the application was filed, it was well within the purview of the ordinarily skilled artisan to determine the position of the CDRs within the heavy and light chain variable region sequences provided in the specification, e.g., CDRs 1, 2 and 3 located within the light chain variable region of SEQ ID NO: 10 and CDRs 1, 2 and 3 located within the heavy chain variable region of SEQ ID NO: 18.

Nonetheless, solely to expedite prosecution, Applicants have amended claim 1 to remove the specific delineation of the amino acid sequences of the CDRs.

In view of the above, Applicants submit that one of skill in the art would have understood that the application clearly supports the pending claims and that Applicants were in possession of the claimed invention. Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the above amendments, Applicants believe the pending application is in condition for allowance. The Examiner is invited to telephone the undersigned to discuss any issue pertaining to this response. Applicants request favorable consideration of the application and early allowance of the pending claims.

Applicants believe no fee is due with this response other than the fees provided for on the Fee Transmittal sheet. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. ALEX-P01-112 from which the undersigned is authorized to draw.

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Respectfully submitted,

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